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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/668,389 | 09/24/2003 | Felix Henry | 01807.002403. | 2466 |
| 5514 7590 02/19/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800 | | | | |
| EXAMINER | | | | |
| HUNG, YUBIN | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2624 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 02/19/2010 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,389

Applicant(s)

HENRY ET AL.

Examiner

YUBIN HUNG

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/24/09 has been entered.

2. Claims 1-7, 9-16 and 18-27 are still pending.

3. In the after-final response filed on 11/28/09 (constituting part of this RCE submission) applicant argues

A. that "when the amplitude along the path corresponds to the amplitude model, the amplitude model best represents the amplitude of the samples" (P. 2, 3rd and 4th paragraphs).

However, "corresponds" cannot be equated with "best represents". In addition, an amplitude model, if poorly selected, cannot be expected to best represent the amplitude of the samples, either. Therefore the argument is not persuasive.

B. that "...will approximate, i.e., best represent..." (P. 3, 2nd paragraph, especially last 3 lines).

However, "approximate" cannot be equated with "best represent". Applicant has not disclosed what criterion (such as a cost function) is used to make the "best" representation determination. If, for example, "as close as possible" (i.e., to minimize the difference) is the criterion, and the model "approximates" an amplitude of, say, 10 with, say, 12, then clearly 11 would have been even closer and therefore a better representation than the model value. Therefore the argument is not persuasive.

C. that there is support for "a model is possibly selected because the path is not predetermined" (P. 3, last two paragraphs) and that "a path is determined by an amplitude model" (page 4, first 3 paragraphs, especially the last two lines of the 3rd).

However, that the path is not predetermined has no bearing for "a model is possibly selected" [to put in proper context the complete quote should have been **"along the path where** a model is possibly selected because the path is not predetermined", which implies that a path is selected first, before the model is) as recited in the last two lines on page 10 of the 4/24/09 response]. Amended claim 1 merely recites "determining an amplitude model **and** a path amongst the digital data wherein the amplitude of the data along said path **corresponds** to said amplitude model". "Corresponds" does not necessarily mean that the amplitude of the data along the path

plays a role in determining the amplitude model, or vice versa. For example, it can simply mean that the amplitude of the model is subsequently used to replace the amplitude of the data along the path. Additionally, as set forth in the rejection of claim 1, Easwar discloses using Zig-Zag scan order (i.e., path), since many well known paths (e.g., row-major or column-major) exist, the fact that this specific Zig-Zag path is used constitutes "determining path". Therefore the arguments are not persuasive.

D. that Easwar does not teach or suggest "coding the path" (page 4, the last paragraph).

However, per P. 10, lines 12-13 of the instant specification, decoding the (coefficient) path result in a set of DCT data blocks. This is consistent with this examiner's interpretation that coding the path as coding the coefficients along the path. [See, also, P. 9, line 25-P. 10, line 3. Note that while no separate coding of the coefficients is expressly disclosed, the second coding mode-coded image still has a size reduction of up to 20%. This also means that interpreting the coding of a coefficient path as coding the coefficients along the path is consistent with the disclosure since if the coefficients are not coded, then the code for the "path" along with the amplitude model will actually result in an increase in the file size, not a reduction. Therefore the argument is not persuasive.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUBIN HUNG whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikram Bali can be reached on (571) 272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yubin Hung/
Primary Examiner, Art Unit 2624

February 2010